

## **IN THE CLAIMS**

Please amend the claims as follows:

1. (currently amended) A scheduling method of scheduling data packets in time-shared channels, said method comprising the steps of:
  - a) determining a scheduling priority ( $P_n$ ) for a user based on a ratio between a transmission parameter offered to said user and an average preceding value of said transmission parameter provided to said user within a predetermined time period; and
  - b) changing said determined scheduling priority in dependence on a difference between said average preceding value and a minimum average value allocated to said user.
2. (original) A method according to claim 1, wherein said changing step comprises the step of using a mapping function for mapping said average preceding value to a reduced value based on said difference between said average preceding value and said allocated minimum average value.
3. (original) A method according to claim 2, wherein said mapping function is adapted to provide said reduced value if said average preceding value falls below a predetermined value higher than said allocated minimum average value.

4. (currently amended) A method according to claim 2 ~~or 3~~, wherein said mapping function is configured to set said reduced value to zero if said average preceding value is less or equal said allocated minimum average value.

5. (currently amended) A method according to claim 3 ~~or 4~~, wherein said mapping function is a piecewise linear function.

6. (original) A method according to claim 5, wherein said piecewise linear function provides a one-to-one mapping if said average value is greater or equal said predetermined value, and a linear decreasing mapping if said average value is less than said predetermined value but greater or equal said allocated minimum average value.

7. (currently amended) A method according to claim 1 ~~any one of the preceding claims~~, wherein users for which the same scheduling priority has been determined in said determination step are served in a random order.

8. (currently amended) A method according to claim 1 ~~any one of the preceding claims~~, wherein said scheduling method is used for DSCH packet scheduling in a radio access network.

9. (currently amended) A method according to claim 1 ~~any one of claims 1~~

to 7, wherein said scheduling method is used for HSDPA packet scheduling in a MAC-hs unit (10) of a Node B device.

10. (currently amended) A method according to claim 1 ~~any one of the preceding claims~~, wherein said transmission parameter is a throughput of a channel allocated to said user.

11. (currently amended) A scheduling apparatus for scheduling data packets in time-shared channels, said apparatus (104) comprising:

- a) priority determination means (1044) for determining a scheduling priority ( $P_n$ ) for a user based on a ratio between a transmission parameter offered to said user and an average preceding value of said transmission parameter provided to said user within a predetermined time period; and
- b) priority change means (1048) for changing said determined scheduling priority in dependence on a difference between said average preceding value and a minimum average value allocated to said user.

12. (currently amended) A scheduling ~~An~~ apparatus according to claim 11, wherein said priority change means comprises mapping means (1048) for mapping said average preceding value to a reduced value based on said difference between said average preceding value and said allocated minimum average value.

13. (currently amended) A scheduling ~~An~~ apparatus according to claim 11 ~~or 12~~, further comprising disabling means (1049) for disabling said priority change means (1048).

14. (currently amended) A scheduling ~~An~~ apparatus according to claim 13, wherein said disabling means comprises a switching means (1049) for bypassing said priority change means (1048).

15. (currently amended) A scheduling ~~An~~ apparatus according to claim 11 ~~any one of claims 11 to 14~~, wherein said scheduling apparatus (1004) is provided in a MAC-hs unit (10) of a Node B device.